IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4214 of 2006

OCL India Limited and another .... ***Petitioners***

Mr. S.P. Sarangi, Advocate

-versus-

Union of India and others .... ***Opposite Parties***

Mr. U.C. Behura, Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE A.K. MOHAPATRA

ORDER
06.12.2021

Order No.

06. 1. The challenge in the present petition is to a bill raising a penalty of Rs.9,67,613/- on Petitioner No.1 for alleged overloading of the wagon booked by it.

2. From the reply filed it is plain that whether in fact there was overloading would be a disputed question of fact which can at best be adjudicated by the Railways Claims Tribunal (RCT) constituted under the Railways Claims Tribunal Act.

3. It may be noted here that while admitting this petition on 31st March 2006, this Court had stayed the demand and that stay has continued till date.

4. In that view of the matter, while relegating the Petitioners to the remedy before the RCT, the Court directs that if such petition is

filed by the Petitioners before the RCT not later than 10th January 2022 along with an application explaining the delay in approaching the RCT on account of the pendency of the present writ petition, the RCT will consider such application on merits in accordance with law. All the pleas urged by the Petitioners in the present petition are permitted to be raised before the RCT in accordance with law. The Court clarifies that it has not expressed any view on the merits of the matter. The interim order passed in the present case will continue till such time the RCT disposes of an application for interim relief to be filed by the Petitioners in accordance with law.

5. The writ petition is disposed of in the above terms.

6. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(A.K. Mohapatra)
Judge

S.K. Guin